

**TOWN COUNCIL
REGULAR MEETING
APRIL 2, 1996
7:00 P.M.**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:03 p.m. by Mayor Venis and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present were Mayor Venis, Vice-Mayor Cox and Councilmembers Bush, Kiar and Santini. Also present were Town Administrator Flatley, Town Attorney Webber, and Town Clerk Reinfeld recording the meeting.

7.4 Mayor Venis advised that item 7.4 would be taken out of order.

Councilmember Kiar advised that on April 6th, the Town would be holding its first Child Safety Day and Egg Hunt at Robbins Lodge and explained the different activities that would be held. He thanked Council, the Child Safety Board, Major John Tucker, Mr. Flatley and staff for their work.

Councilmember Kiar indicated that a Child Safety Day tree planting ceremony in honor of Jimmy Ryce was conducted tonight at the Robbins property. He read the proclamation which was then presented to Donald and Claudine Ryce.

Claudine Ryce stated that the people who were special were the Police Departments who provided rapid response, the Kiwanis and the leaders who voted. She indicated that the only thing that would have saved her child was a bloodhound.

Donald Ryce thanked everyone who was involved for making his family feel at home in the Town. He asked Council to support the accomplishments of the Child Safety Board and not to forget what happened to his son.

3. OPEN PUBLIC MEETING

Mayor Venis advised the speakers of the Open Public Meeting procedures.

Al Tyler, 8090 SW 19 Court, appreciated the monthly advertisement of the Town's meetings.

Mr. Tyler questioned how much the Westfair event cost the Town.

Mr. Tyler stated that the firefighter's pension was not getting its money and indicated that Budget and Finance Director Christopher Wallace had indicated that he was not accepting the actuary's report and had asked for another set of figures.

Arthur Joseph, 13700 SW 18 Court, thanked Mayor and Mrs. Venis for planting a tree in Israel in memory of his father.

Mr. Joseph stated that being against the rodeo or Westfair did not mean he was against the Town. He said that the rodeo was nothing more than animal torture.

Debbie Apolinario, 2940 SW 148 Avenue, thanked Council for the ceremony in honor of Jimmy Ryce.

Ms. Apolinario stated that she and Michael Davenport had recently completed the Civilian Police Academy and she was impressed with the professionalism and information provided. She suggested that Officer Kelly Drum's professionalism be utilized in training police officers and asked Council to provide the police officers with equipment to make them safer. Ms. Apolinario encouraged everyone to visit the Police Department to view the current shortage of space and recommended that everyone vote in favor of the bond issue for a new facility. She thanked the Town for establishing the Civilian Police Academy and encouraged all residents to go through the program.

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Michael Davenport, 14041 SW 22 Place, congratulated Mayor Venis and Vice Mayor Cox on their elections. He agreed with Ms. Apolinario's comments regarding the Civilian Police Academy.

Mr. Davenport discussed the citizen's questionnaire provided by the Davie Water Advisory Board. He asked that the residents complete and return the questionnaire.

Mr. Tyler asked that when a topic was not a unanimous vote by Council and there was much disagreement, the topic not appear in the Town's newsletter. Mr. Flatley indicated that if an item did not receive a unanimous decision, the voting results would be shown.

Richard Murray discussed the Town's growth on Hiatus Road and asked that the Town be kept as it was.

4. PRESENTATIONS

4.1 Davie/Cooper City Chamber of Commerce
This item was not discussed.

4.2 Trafficways Update
This item was discussed after item 4.3.

4.3 Police Athletic League Video

Renae Griggs, Director of the Police Athletic League (PAL), described the function of a PAL and provided a video presentation on the PAL. She stated that she was proud to work for a city that was committed to children.

Ms. Griggs advised that Mayor Venis would be participating in a wrestling match on May 4th in the rodeo arena. She stated that the wrestling match was a fundraiser for the PAL Program.

Mayor Venis advised that the Town planned to construct the PAL multi-purpose building and the Town had met all the requirements of the American Legion's gift of \$50,000. He explained that Home Depot would be totally renovating the building at no cost and he thanked Home Depot for the assistance. Mayor Venis thanked Officer Griggs for all her work.

4.2 Michele Mellgren, Director of Planning, displayed a roadways map and explained the plan. Discussion followed.

Police Chief Jack Mackie advised that a \$2,500 profit had been raised from the PAL Spaghetti Dinner. He thanked Council for their participation and Rigatoni's for donating the food.

Chief Mackie stated that the Police Department received its third consecutive grant in the amount of \$198,000 for Policing Technology. He thanked Research and Development Coordinator Marsa Detscher and Captain John George for their work on this grant.

5. COUNCILMEMBER COMMENTS

COUNCILMEMBER BUSH

DRUG ABUSE RESISTANCE EDUCATION (DARE). Councilmember Bush stated that he and Mr. Flatley had attended a DARE Program at Nova Eisenhower Elementary School. Chief Mackie explained the DARE Program.

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VICE-MAYOR COX

GRANTS. Vice-Mayor Cox congratulated Chief Mackie, Mrs. Detscher and Captain George on the grants that the Police Department had received.

OLD DAVIESCHOOL. Vice-Mayor Cox stated that she would be focusing on having the building in front of the Old Davie School torn down. She added that the Town was working on making the Old Davie School available to the public.

SPINE TRAIL. Vice-Mayor Cox stated that for the past year, she had been concentrating on the acquisition of the right-of-way for the spine trail between Tree Tops Park and the Kapok Tree property.

ROBBINS PROPERTY. Vice-Mayor Cox stated that the Open Space Advisory Committee was focusing on the improvement of the Robbins property which included the bike path and the rehabilitation of the house.

OPEN SPACE. Vice-Mayor Cox stated that there was approximately \$677,000 remaining in the Open Space fund balance. She indicated the Town needed to watch the budget and indicated that grants would be pursued over the next year. Vice-Mayor Cox advised that bikeways were being looked at for different parts of the town.

COUNCILMEMBER KIAR

HAPPY BIRTHDAY. Councilmember Kiar wished his wife, Marianne, a happy birthday.

POLICE ATHLETIC LEAGUE SPAGHETTI DINNER. Councilmember Kiar recommended that more people attend the dinner next year.

THANKS. Councilmember Kiar thanked Chief Mackie, Sergeant Gary Killam and the Police Department for their work on the anti-gang program.

POLICE OFFICER AWARDS BANQUET. Councilmember Kiar stated that the Fraternal Order of Police Association held its banquet and the Town had the best Police Department in the State. He said that different departments revered the Town's police officers because of the leadership of Chief Mackie and the support of the residents.

CHILD SAFETY DAY. Councilmember Kiar reminded everyone to attend the Child Safety Day and reiterated his thanks to all those involved.

COUNCILMEMBER SANTINI

TREE PLANTING CEREMONY. Councilmember Santini stated that the ceremony was touching and children should be protected and educated. She applauded the Ryce's for sharing their story.

HIATUS ROAD. Councilmember Santini stated that she hoped this would be the final hearing for the deletion of Hiatus Road for the Trafficways Plan. She added that this deletion would not allow a bridge to be built across the canal which would have brought more traffic into the Town. Councilmember Santini advised that should Broward County ever decide to widen the road, the Town would not be responsible for purchasing any rights-of-way.

TOWN LOGO. Councilmember Santini stated that the Town was redesigning its logo and requested that the logo on the belt buckle designed by Candice Ordway also be considered.

SPORT TEAMS. Councilmember Santini stated that all the Town's teams made it to the American Cup Finals and all placed second.

CANOE CANAL LANDING. Councilmember Santini stated that the canal landing was christened during the Westfair activities and showed pictures of Town officials in canoes.

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MAYOR VENIS

TREE PLANTING CEREMONY. Mayor Venis thanked all those involved with the Jimmy Ryce tree planting ceremony.

HOLIDAYS. Mayor Venis wished everyone a happy Easter and Passover.

ADVISORY BOARD MEETINGS. Mayor Venis questioned when the Budget Advisory Committee and Code of Ordinance Review Committee would be meeting. It was indicated that meetings were trying to be established.

BLASTING. Mayor Venis asked for an update on Pembroke Pines signing an agreement. Mr. Webber indicated that he did not know if Pembroke Pines would sign the agreement, however, the City of Miramar did not oppose the Town participating.

HOME DEPOT. Mayor Venis asked that at a future Council meeting, Home Depot be presented with a plaque for all its work in Potter Park.

OLYMPIC VILLAGE. Mayor Venis stated that he recently traveled to Atlanta, Georgia for special training as he was chosen as an Olympic Village Mayor for the 1996 Olympics.

WAVERLY HUNDRED. Mayor Venis asked if this area was to be included in the Department of Transportation's Noise Barrier Project. Assistant Town Administrator Robert Rawls indicated that a request had been made, however, the project was still being formalized.

ST. BERNADETTE'S. Mayor Venis stated that he attended a groundbreaking ceremony for the new school and congratulated the church on its fundraising efforts.

CURBING PROJECT. Mayor Venis stated that the curbing on Nova Drive should begin in approximately two weeks.

6. OCCUPATIONAL LICENSES

Home Occupational License

- 6.1 J.C.'s Trucking & Transport Corp., 5000 SW 51 Street (tabled from March 20, 1996)

Vanessa Lopez, representing the applicant, was present. She confirmed that the request was for mail and phone use only.

Councilmember Bush made a motion, seconded by Vice-Mayor Cox, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

7. CONSENT AGENDA

Minutes

- 7.1 February 12, 1996 - Workshop Meeting
7.2 March 12, 1996 - Joint Meeting
7.3 March 20, 1996 - Regular Meeting

Proclamations

- 7.4 Childrens' Safety Day - April 6, 1996
7.5 Community Development Week - April 1-7, 1996
7.6 Days of Remembrance of the Victims of the Holocaust - April 14-21, 1996

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Resolutions

7.7 STAFF REQUESTING TABLING TO APRIL 17, 1996

SUBDIVISION PLAT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A SUBDIVISION PLAT AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SUCH PLAT; AND PROVIDING AN EFFECTIVE DATE. (P 2-1-95, Orangewood Farms, SW 118 Avenue, approximately 500 feet south of SW 17 Court) (tabled from March 6, 1996) Planning and Zoning Division denied; Planning and Zoning Board denied

R-96-115 7.8 SUBDIVISION PLAT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A SUBDIVISION PLAT AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SUCH PLAT; AND PROVIDING AN EFFECTIVE DATE. (P 12-1-95, ICE Plat, 12451 Orange Drive) Planning and Zoning Division approved subject to the planning report; Planning and Zoning Board approved

7.9 SETTLEMENT AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO ENTER INTO A SETTLEMENT AGREEMENT WITH WALTER HAMILTON FORMAN, ET AL. CONCERNING CERTAIN SPECIAL ASSESSMENTS WHICH WERE LEVIED FOR ROADWAY AND DRAINAGE IMPROVEMENTS IN THE GENERAL AREA OF 47TH AVENUE, OAKES ROAD AND BURRIS ROAD WITHIN THE TOWN OF DAVIE; AND PROVIDING AN EFFECTIVE DATE. (tabled from March 20, 1996)

R-96-98 7.10 BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BIDS FOR RENTAL OF HEAVY EQUIPMENT WITH OPERATOR. (the lowest bidder for each item as the primary vendor and the next lowest bidder as the secondary vendor)

R-96-99 7.11 BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR ASPHALTIC ROLLERBLADE HOCKEY RINK. (Weekley Asphalt Paving, Inc. - \$16,767)

R-96-100 7.12 BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR JANITORIAL SERVICES FOR ALL PARK LOCATIONS. (Perm-A-Care Janitorial Service - \$28,899.96/year)

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**R-96-101 7.13 CHANGE ORDER - A RESOLUTION OF THE TOWN OF DAVIE,
FLORIDA,
AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT CHANGE
ORDER FOR OLD DAVIE SCHOOL RENOVATION. (net increase in the
amount of \$8,200)**

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- R-96-102 7.14 **MITIGATION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**
APPROVING A REQUEST FOR MITIGATION OF THE CODE ENFORCEMENT FINE IN CASE NO. 90-28 FROM \$14,750 IN AMOUNT TO \$2,000; AND PROVIDING AN EFFECTIVE DATE. (Wachtel)
- R-96-103 7.15 **MITIGATION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**
APPROVING AN EXTENSION FOR PAYMENT OF THE MITIGATED CODE ENFORCEMENT FINE IN CASE NO. 91-234 FROM \$17,000 IN AMOUNT TO \$3,091; AND PROVIDING AN EFFECTIVE DATE. (Pederson)
- R-96-104 7.16 **SUMMER SPORTS CAMP/CHEERLEADING CAMP - A RESOLUTION OF**
THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH THE WEST BROWARD YMCA FOR THE OPERATION OF A SUMMER SPORTS CAMP/CHEERLEADING CAMP. (\$190/session for residents and those in contiguous unincorporated enclave areas; \$210 for residents in other municipalities and non-contiguous unincorporated areas)
- R-96-105 7.17 **SUMMER DAY CAMP - A RESOLUTION OF THE TOWN OF DAVIE,**
FLORIDA, ACCEPTING THE PROPOSAL FOR SUMMER DAY CAMP AND AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH THE WEST BROWARD YMCA FOR THE OPERATION OF A SUMMER DAY CAMP. (\$180/session for residents; Town will receive 25% of the net income; YMCA will charge an addition \$25 registration fee and an additional \$20/session for extended care)
- R-96-106 7.18 **RANKING OF DAY CARE PROGRAMS - A RESOLUTION OF THE TOWN**
OF DAVIE, FLORIDA, APPROVING THE RANKING FOR OPERATION OF DAY CARE PROGRAMS AND AUTHORIZING THE TOWN ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE AN AGREEMENT FOR OPERATION OF DAY CARE PROGRAMS FOR MINI-CAMPS, HOLIDAYS, TEACHER PLANNING DAYS, WINTER AND SPRING BREAKS THROUGHOUT THE YEAR. (Lil' Rascals Academy and the YMCA)
- R-96-107 7.19 **BEFORE AND AFTER SCHOOL CHILD CARE AND/OR ON-SITE SUMMER RECREATION PROGRAMS - A RESOLUTION OF THE TOWN**
OF DAVIE, FLORIDA, ACCEPTING AN ADDENDUM TO AN AGREEMENT BETWEEN THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA, WHICH IS A GOVERNING BODY OF THE SCHOOL DISTRICT OF BROWARD COUNTY, FLORIDA. AND THE

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TOWN OF DAVIE, A NON-PROFIT PROVIDER FOR BEFORE AND AFTER SCHOOL CHILD CARE AND/OR ON-SITE SUMMER RECREATION PROGRAMS.

R-96-108 7.20 SUBDIVISION PLAT REVISIONS - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING REVISIONS TO A SUBDIVISION PLAT; AND PROVIDING AN EFFECTIVE DATE. (DG 3-2-96, Regency Square, 14800 Griffin Road)

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- R-96-109 **7.21 CLASS SPECIFICATIONS - A RESOLUTION OF THE TOWN OF DAVIE,**
FLORIDA, CREATING THE CLASS SPECIFICATION FOR DEVELOPMENT SERVICES DIRECTOR, COMMUNITY SERVICES PROGRAMS COORDINATOR, COMMUNITY SERVICES ATHLETICS SUPERVISOR, ASSISTANT TO THE DEVELOPMENT SERVICES DIRECTOR, PAYROLL ASSISTANT, PERSONNEL ASSISTANT AND DELETING THE CLASS SPECIFICATION FOR COMMUNITY SERVICES COORDINATOR AND COMMUNITY SERVICES SUPERVISOR IN THE NON-REPRESENTED PAY AND CLASSIFICATION PLAN AND TO BE IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT.
- R-96-110 **7.22 EMPLOYEE LIFE INSURANCE - A RESOLUTION OF THE TOWN OF**
DAVIE, FLORIDA, ACCEPTING THE PROPOSAL FOR EMPLOYEE LIFE INSURANCE COVERAGE AND AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT FOR SUCH COVERAGE. (L.B. Bryan & Company for Provident Life & Accident Insurance Company)
- R-96-111 **7.23 FUNDRAISING PRODUCTS - A RESOLUTION OF THE TOWN OF DAVIE**
FLORIDA, APPROVING THE RANKINGS FOR FUND RAISING PRODUCTS AND/OR SERVICES AND AUTHORIZING THE TOWN ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE AN AGREEMENT FOR SUCH PRODUCTS AND/OR SERVICES. (The Nordis Network and Clover Development Stratagies, Inc.)
- R-96-112 **7.24 ROAD TRANSFER AGREEMENT - A RESOLUTION OF THE TOWN OF**
DAVIE FLORIDA AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO ENTER INTO A ROAD TRANSFER AGREEMENT BETWEEN THE TOWN OF DAVIE AND BROWARD COUNTY FOR HIATUS ROAD AND PROVIDING FOR AN EFFECTIVE DATE.

Ordinances - First Reading (Public Hearing to be held on April 17, 1996)

7.25 PERSONNEL RULES AND REGULATIONS - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, REVISING THE TOWN OF DAVIE'S PERSONNEL RULES AND REGULATIONS BY AMENDING SECTIONS 4, 6, and 7 OF RULE V, ENTITLED RECRUITMENT AND EMPLOYMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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7.26 AMENDING ORDINANCE 87-70 - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING ORDINANCE NO. 87-70 BY CHANGING SECTIONS 2(a), 2(b), EXHIBIT B AND EXHIBIT C, WHICH SAID CHANGES PROVIDE FOR A REDUCTION OF DENSITY OF 500 DWELLING UNITS OVERALL AND THE TRANSFER OF 110 DWELLING UNITS FROM TRACT B TO TRACT A; RESTRICTING RIDGE CROSSING LOCATION; PROVIDING FOR AN ENTRANCE AND ACCESS ALIGNMENT; PROVIDING FOR LANDSCAPING AND SIGNAGE; PROVIDING FOR MODULAR CLASSROOMS; PROVIDING CRITERIA FOR THE LOCATION OF HORSE TRAILS; PROVIDING FOR RELOCATION OF CONSTRUCTION TRAILER; PROVIDING FOR PLANTING AREA; PROVIDING FOR LOCATION OF LAKE AND LIMITATION OF LOTS ADJACENT TO RIDGE; PROVIDING TENNIS COURTS; AMENDING AND PROVIDING AN EFFECTIVE DATE.

Mayor Venis advised that a request had been made to table items 7.7 and 7.9 to April 17, 1996

Councilmember Kiar made a motion, seconded by Councilmember Santini, to table items 7.7 and 7.9 to April 17, 1996. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

Vice-Mayor Cox asked that items 7.23 and 7.24 be removed from the Consent Agenda. Councilmember Kiar asked that items 7.11 and 7.26 be removed. Mayor Venis asked that items 7.8 and 7.12 be removed. An unidentified man asked that item 7.17 be removed.

Town Clerk Reinfeld read the ordinances - first reading by title only. Mayor Venis advised that a public hearing on items 7.25 and 7.26 would be held on April 17, 1996.

Vice-Mayor Cox made a motion, seconded by Councilmember Bush, to approve the Consent Agenda without items 7.8, 7.11, 7.12 7.17, 7.23, 7.24, and 7.26. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

7.8 Mayor Venis advised that he would be voting to deny this resolution.

Vice-Mayor Cox made a motion, seconded by Councilmember Santini, to approve. In a roll call, the vote was as follows: Mayor Venis - no; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 4-1)

7.11 Councilmember Kiar indicated that the Town was moving ahead with the construction of the rollerblade rink at the Pine Island Community Center.

Councilmember Santini made a motion, seconded by Councilmember Kiar, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

7.12 Mayor Venis asked if this company was the current vendor. Sharon Pierce-Kent, Director of Community Services, replied negatively.

Councilmember Santini made a motion, seconded by Vice-Mayor Cox, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes;

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Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

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7.17 Al Tyler questioned why the Town went out to bid on this matter. Ms. Pierce-Kent indicated that this resolution allowed the Town to expand its teen programs and the hours of the drop-in program. Councilmember Santini added that the Town was less equipped and qualified to provide summer camp programs than other companies. She indicated that by the Town providing this service, it took away from the local businesses and she was in favor of the YMCA taking over this service. Ms. Pierce-Kent stated that the contract provided scholarships and there was a sliding fee scale on other programs.

Councilmember Santini made a motion, seconded by Vice-Mayor Cox, to approve item 7.17. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

Councilmember Kiar asked that he be allowed to reconsider his vote on item 7.8.

Councilmember Kiar made a motion, seconded by Mayor Venis who passed the gavel, for reconsideration. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

Councilmember Bush made a motion, seconded by Councilmember Santini, to approve item 7.8. In a roll call, the vote was as follows: Mayor Venis - no; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - no; and Councilmember Santini - yes. (Motion carried 3-2)

7.24 Vice-Mayor Cox stated that she had never supported the widening of Hiatus Road and had not been real favorable in removing the road from the Trafficways Plan; however, she indicated that she was comfortable with this agreement. She congratulated Assistant Town Administrator Robert Rawls for his work on this item.

Councilmember Santini made a motion, seconded by Councilmember Kiar, to approve item 7.24. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

7.23 Ms. Pierce-Kent explained that the resolution was for fundraising for the sports programs.

Vice-Mayor Cox made a motion, seconded by Councilmember Santini, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

7.26 Councilmember Kiar stated that he opposed the ordinance and asked for an explanation on the conveyance of six acres to the developer. Mr. Flatley provided an explanation. Vice-Mayor Cox indicated that this property was "garbage property".

Councilmember Kiar questioned if the Town was allowed to sell open space property. Mr. Webber replied affirmatively, however, the proceeds of the sale must return to the open space account. Councilmember Kiar asked if a precedent was being set. Mr. Webber responded that no legal precedent was being set and Council had the authority to sell Town property. Councilmember Kiar questioned how Council could preserve the quality open space parcels in perpetuity so a future Council could not sell

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the land. Mr. Webber replied that there was a possibility that deed restrictions could be used and recorded which would make it difficult to release the deed restrictions. He indicated that the current Council could not normally bind a future Council in perpetuity. Councilmember Kiar asked Mr. Webber to try to prepare the appropriate document. Discussion followed.

Vice-Mayor Cox advised that the split sessions of the elementary school would be eliminated with the construction of five classrooms, the impact fees and the cost of the bathroom.

Councilmember Bush made a motion, seconded by Vice-Mayor Cox, to approve. In a roll call, the vote was as follows: Mayor Venis - no; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - no; and Councilmember Santini - yes. (Motion carried 3-2)

8. PUBLIC HEARINGS

Mayor Venis opened the public hearing.

Resolution

8.1 CAPITAL IMPROVEMENT PROGRAM - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEARS 1995-2000.

Town Clerk Reinfeld read the resolution by title. Mr. Rawls apologized for the lateness in providing the back-up material and provided a brief staff report.

Mayor Venis suggested that this item be tabled to the next meeting to allow time for Council to review the material.

Vice-Mayor Cox made a motion, seconded by Councilmember Santini, to table the item until April 17, 1996. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

Ordinances - Second and Final Reading

8.2 REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1 TO R-2; AMENDING THE ZONING MAP OF SAID TOWN TO COMPLY THEREWITH; AND PROVIDING AN EFFECTIVE DATE. (ZB 10-1-95, 5390 SW 58 Avenue) (tabled from March 20, 1996)

Mayor Venis indicated that a request had been made to table this item until June 5, 1996.

Councilmember Bush made a motion, seconded by Vice-Mayor Cox, to table the item until June 5, 1996. Mr. Webber explained that the tabling request was due to a pending appeal. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - out of room; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 4-0)

8.3 REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA,

96-14 **CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1 TO M-2; AMENDING THE ZONING**

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MAP OF SAID TOWN TO COMPLY THEREWITH; AND PROVIDING
AN EFFECTIVE DATE. (ZB 2-1-96, 5021 SW 51 Street)
Town Clerk Reinfeld read the ordinance by title.

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Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing was closed. Vice-Mayor Cox made a motion, seconded by Councilmember Santini, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

8.4 OCCUPATIONAL TAX SCHEDULE - AN ORDINANCE OF THE TOWN OF

96-15 DAVIE, FLORIDA, AMENDING ORDINANCE 95-38 REGARDING THE TOWN'S OCCUPATIONAL TAX SCHEDULE BY REVISING THE CLASSIFICATION OF RETAILER, WHOLESALER, OR JOBBER IN THE SCHEDULE OF RATES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Town Clerk Reinfeld read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing was closed.

Vice-Mayor Cox made a motion, seconded by Councilmember Kiar, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

8.5 PLANNING AND ZONING BOARD TABLED TO APRIL 10, 1996; COUNCIL CAN TABLE TO APRIL 17, 1996

LAND USE PLAN AMENDMENT - LA 96-1, Westwind Contracting, Inc., located on the south side of State Road 84 approximately 1/2 mile east of Flamingo Road (from R-5 to Commercial)

Councilmember Bush made a motion, seconded by Vice-Mayor Cox, to table the item until April 17, 1996. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

8.6 PLANNING AND ZONING BOARD TABLED TO APRIL 24, 1996; COUNCIL CAN TABLE TO MAY 1, 1996

REZONING - ZB 11-4-95, Craven Thompson and Associates, Inc./Florida Dairy Farmers Association, 4500 Oakes Road (M-1, County, to M-3, Davie) (tabled from March 20, 1996)

Councilmember Santini made a motion, seconded by Vice-Mayor Cox, to table the item until May 1, 1996. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

8.7 VARIANCE - V 1-3-96, Chen, 10680 SW 40 Manor (A-1) (to increase the allowable fence height from 6 feet to 10 feet along the south property line) Planning and Zoning Division approved subject to the planning report; Planning and Zoning Board approved subject to the

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planning report

Mayor Venis indicated that a request had been made to table this item until May 15, 1996.

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Vice-Mayor Cox made a motion, seconded by Councilmember Kiar, to table the item until May 15, 1996. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

8.8 **VARIANCE** - V 3-1-96, P.A. Design Group, Inc./Federici, 4780 SW 65 Avenue (RM-10) (to reduce the required side yard from 20 feet to 10 feet; to reduce the required minimum dwelling unit floor area from 600 square feet to 400 square feet for one unit) *Planning and Zoning Division approved; Planning and Zoning Board approved*

Mr. Webber explained the rules concerning the admission of evidence. Town Clerk Reinfeld swore in the witnesses. Gayle Easterling, Town Planner, offered the planning report into evidence and summarized the request. Discussion followed.

Mr. Webber indicated that because the petitioner was not present, Council could not act on this matter and recommended that it be continued until the next meeting.

Vice-Mayor Cox made a motion, seconded by Councilmember Bush, to table the request until April 17, 1996. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

8.9 **LAND USE PLAN AMENDMENT** - LA BC 96-1, Goray Development Company/Chase Federal Bank, located on the south side of State Road 84 from Hiatus Road to approximately 25 feet east of Scarborough Drive (from 36 acres at R-5 and 7 acres of Commercial to 43 acres of R-10) (tabled from March 20, 1996) *Planning and Zoning Division approved; Planning and Zoning Board denied*

Councilmember Kiar announced that he had received calls from Don Wright and Audrey Ward.

Town Clerk Reinfeld swore in the witnesses. Mr. Webber explained the rules concerning the admission of evidence. Ms. Mellgren read the planning report and stated that the following documents were to be included into the record: the application, the subject site map [amended], planning report, and an aerial [amended]. She announced that her and Ms. Easterling's resumes were on file in the Town's personnel office and were qualified as expert witnesses for the Town. Discussion followed on the location of the property.

Mayor Venis read a portion of a letter from Mr. Bell concerning the Xtra Shopping Center and future strip centers.

Councilmember Kiar discussed the six pods that were being added to Silver Ridge. Councilmember Santini questioned the amount of students this project would add.

Dennis Mele, representing the petitioner, displayed layouts of the property and explained the request. He discussed the statistics utilized for the school information. Mr. Mele indicated that the property would be developed at some point, consistent with the land use plan and the petitioner would guarantee that the plat would be filed so that Council would know the mix that was being built. He added that a declaration of restrictive covenants would also be filed.

Gerald Goray, representing the petitioner, discussed other developments.

Mr. Webber asked if anyone wished to provide testimony in favor of or opposition to the variance.

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The following individuals spoke in favor/opposition:

Al Tyler, 8090 SW 19 Court, spoke in favor.

Dorothy Wright, 11041 SW 11 Place, spoke in favor.

Elaine Solomon, 10961 Scarborough Drive, provided photographs which Mr. Webber admitted into evidence and she spoke in favor.

Fran Mannellino, 1091 SW 100 Terrace, spoke in favor.

Don Wright, 11041 SW 11 Place, spoke in favor.

Mr. Webber stated that the hearing was concluded and Council could deliberate.

Councilmember Santini was in opposition to the request. Mayor Venis stated that he was in favor of the project and asked if the petitioner was willing to reduce the density and donate sufficient acreage to be used for a library site. Councilmember Kiar indicated that he was troubled with the additional children; however, the residents were concerned with a commercial property being built and the library site was an interesting point. Mr. Webber advised that Council could not require the petitioner to honor the request and the decision must be based on the criteria provided.

Mayor Venis called for a recess at 10:41 p.m. to allow the petitioner to consider the request. The meeting reconvened at 10:45 p.m.

Mr. Mele advised that the petitioner would dedicate approximately three acres for a library site. He added that the density would be reduced by approximately 60 units.

Mr. Mele stated that some of the residents wanted Scarborough Drive to not be a through street so there would not be any cut-through traffic. He explained that in order to do this, arrangements would need to be made with the Town's Engineering Department to handle the property at its terminus. Mr. Mele indicated that the petitioner would work with the residents and the Town to close the road if this was what the community wanted.

Vice-Mayor Cox made a motion, seconded by Mayor Venis who passed the gavel, to approve contingent upon all representations made by the developer. Mr. Mele was agreeable. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - no. (Motion carried 4-1)

9. RESOLUTIONS

9.1 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING

R-96-113 THE MAYOR TO TRANSMIT A LAND USE PLAN AMENDMENT TO THE BROWARD COUNTY PLANNING COUNCIL WITH APPROPRIATE RECOMMENDATIONS; AND PROVIDING AN EFFECTIVE DATE. (LA BC 96-1, Goray Development Company/Chase Federal Bank, 11100 State Road 84

Town Clerk Reinfeld read the resolution for approval by title.

Vice-Mayor Cox made a motion, seconded by Councilmember Bush, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

10. APPOINTMENTS

10.1 Community Redevelopment Agency (terms expire April 2000: four appointments - one appointment by Vice-Mayor Cox; one appointment by Councilmember Bush; two non-exclusive appointments)

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Vice-Mayor Cox appointed Lowell Goode. Councilmember Bush appointed Tom Gill. Councilmember Santini appointed Grant Marant. Councilmember Kiar appointed Mickey Maros. There were no other nominations. In a voice vote, all voted in favor.

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10.2 Unsafe Structures Board (terms expire April 1999: two non-exclusive appointments - registered architect and electrical contractor)

Council had no objections to reappointing Sam Engel and Brian Puppilo. In a voice vote, all voted in favor.

11. DISCUSSION

11.1 Tree Discount Purchase Program for Earthweek, April 22 - 27, 1996 for Davie Residents

Mr. Flatley advised that the Town's first annual tree discount program would be held during the week of Earthweek. He indicated that residents would be limited to one tree at a 10% discount below wholesale cost.

12. TOWN ADMINISTRATOR'S REPORT

12.1 Home Depot Project for Potter Park, April 14, 1996

This item was previously discussed during the meeting.

RESOLUTION. Mr. Flatley indicated that a resolution needed to be added to the agenda and read the resolution by title.

Councilmember Bush made a motion, seconded by Vice-Mayor Cox, to add item 12.2 to the agenda. In a voice vote, all voted in favor.

12.2 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
ACCEPTING THE
R-96-114 BID FLAMINGO ROAD LANDSCAPING. (Vila and Son Landscaping - \$54,325)

Mr. Rawls explained the project.

Councilmember Santini made a motion, seconded by Vice-Mayor Cox, to approve. In a voice vote, all voted in favor.

13. ADJOURNMENT

There being no objections or further business, the meeting was adjourned at 11:00 p.m.

APPROVED _____

Mayor/Councilmember

Town Clerk